

10. (Original) The system of claim 1, further comprising a capture station configured to acquire at least one digitized image of an individual seeking an identification document and to provide the digitized image to the first server.

11-14. (Cancelled).

Introductory Remarks

In the Office Action mailed October 9, 2008, on the sheet entitled "Office Action Summary" under the paragraph entitled "Disposition of Claims" item 6 states that Claims 1-15 are rejected. However, based on the remaining part of the Office Action, Claim 15 was withdrawn from consideration together with Claims 16, 17 and 18, thus Item 6 should read: "Claims 1-14 are rejected."

REMARKS

Claims 1-14 were rejected under 35USC§103(a) as being unpatentable over the Slocum et al. Patent No. 4,430,306 (hereinafter "Slocum") in view of the Enright, et al., Patent No. 6,583,813. Of the 14 Claims, 1 and 11 are independent Claims and inasmuch as Claim 11 has been canceled, there is only one remaining independent Claim in the application, that is, Claim 1.

With respect to Claim 1, the Examiner's position is that Slocum discloses a system for issuing identification documents to plurality of individuals and it is the Examiner's position that Slocum discloses all that which is set forth in Claim 1, except that Slocum does not specifically disclose the first server in communication with a first database whenever the server is programmed to send, at a predetermined time, one or more digitized images from the first database to the biometric recognition system. The Examiner further states that Enright discloses capturing images on a continuous periodic basis and stores images in a queue to be used later for image comparison. The Examiner states that it would have been obvious to use the already existing data base of Slocum to queue images such as taught by Enright.

With respect to independent Claim 11, the Examiner states that the claim contains similar limitations to Claim 1 (which were addressed in the Office Action above) except states that Claim 11 has the additional limitations that each match has a score. The Examiner first states that Slocum, in column 9, lines 47-61, discloses searching the official database records to identify any records having a projection signal similar to the projection signal of the acquired image. Furthermore, the Examiner states that from the above, it is inherent that the projection

signal represents a score and that the scores must be compared to a threshold in order to determine if they “are very similar or not.”

Applicants disagree with the Examiner’s position. Examiner’s position both as to Claim 1 and its dependent claims and Claim 11 and its dependent claims. The reason is that Applicants have amended Claim 1 to incorporate a number of the steps recited in Claim 11, albeit in a computer system format rather than in a process claim format. In particular, amended Claim 1 now recites that the biometric recognition system produces an indication and a list of images of individuals who may at least partially match the digitized image of the individual that was sent, together with a score for each such individual, the score indicating a score above the predetermined threshold relating to the degree of matching. That combination, as now recited in amended Claim 1, is not disclosed or suggested in Slocum alone, or in combination with Enright.

Applicants submit that the “projection signal” of Slocum is not the scoring system discussed immediately above and recited in amended Claim 1. Slocum does not disclose or suggest the claimed system which facilitates a batch analysis of matches as in amended Claim 1. In particular, Slocum does not disclose or suggest that the recited server is programmed to (a) receive from the biometric recognition system for each digitized image of the individual send an indicator based on the biometric searching of the second database as to whether the second database contains any images of individuals who may at least partially match the digitized image of the individual that was sent; and (b) receive from the biometric recognition system a list of images of individuals who may at least partially match the digitized image of the individual that was together sent together with a score for each individual, the score indicating a score above a predetermined threshold relating to the degree of matching.

At best, Slocum discloses an application program element that displays each image within the database stored in memory 24 that is substantially similar to the image acquired by the camera element 30. Slocum is silent regarding a score and specifically selecting results from the main database having a score above the predetermined threshold based on the degree of matching, and providing the select results to user for review and decision. As such, Slocum does not render Claim 1 obvious because it fails to suggest the elements now recited in amended Claim 1. The Office Action contends, as in the last Office Action, that it is inherent that the projection signal in Slocum represents a score. The projection cannot be a score because it only represents a weighted set of eigenvectors for a particular image and does not provide any

information on a degree to which the set of eigenvectors are similar to a set of eigenvectors for other images in the official record database 24. Slocum's system does not provide a score, but instead, only returns substantially similar images as a result and requires the operator to make a visual comparison without the aid of the scores. While Slocum might inherently employ some metric for determining "substantially similarity" of projection signals, it does not provide any measure or output of this metric along with the images that the search project returns.

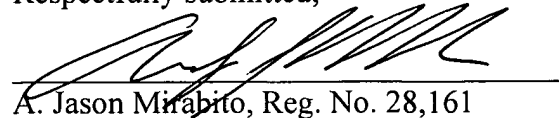
Therefore, based upon the foregoing, Applicants request that rejection of Claim 1 under 35 U.S.C. §103 under Slocum and Enright be withdrawn.

Claims 2-10 are dependent either directly or indirectly upon independent Claim 1. As such, they add further recitations to the recitations of amended Claim 1 and since the combination of Slocum, in view of Enright, does not render Claim 1 obvious under 35 U.S.C. §103(a) amended Claim 1, and since each of these dependent claims contains each and every limitation of Claim 1, Claims 2-10 are also patentable over the art of record. In view of the foregoing, it is believed that Claims 1-10, as amended, are patentable as not being obvious under the 35 U.S.C. §103 in view over Slocum in view of Enright. Reconsideration is requested.

Applicants believe this application is in condition for allowance. Should the Examiner have any questions, the Examiner is respectfully requested to telephone the undersigned.

Applicants herewith file a Three-Month Extension of Time, together with associated fee of \$1110.00. Although Applicants believe that no additional fees are due in connection with this submission, the Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account Number 50-0311, Reference No. 38820-526002US. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,



A. Jason Mirabito, Reg. No. 28,161
Attorney for Applicants
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.

Address all correspondence to:

Customer no.: 30623

Tel: (617) 542-6000

Fax: (617) 542-2241

Dated: April 8, 2009